

### **REMARKS**

The Office Action, mailed February 2, 2007, considered claims 21–28, 35–41 and 45–47. Claims 21–28, 35–41, and 45–47 were rejected on the ground of nonstatutory double patenting over claims 1–33 of Ahmed et al., U.S. Patent no. 6,704,772 B1 (filed Sep. 20, 1999) (hereinafter Ahmed) since the claims, if allowed, would improperly extend the “right to exclude” already granted in the patent. Claims 21–23, 28, 35–37 and 45 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Dean et al., U.S. Patent no. 5,914,957 (filed Dec. 19, 1996) (hereinafter Dean), in view of Ansberry, U.S. Patent no. 5,887,170 (filed Feb. 13, 1995) (hereinafter Ansberry). Claims 26–27, 39–41, and 46–47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dean, in view of Ansberry and further in view of Rybicki, U.S. Patent no. 7,007,003 (filed Dec. 4, 1998).<sup>1</sup>

By this response, no claims are amended such that claims 21–28, 35–41, and 45–47 remain pending. Claims 21, 35, and 47 are independent claims which remain at issue.

As reflected in the claims, the present invention is directed generally toward systems, methods, and computer program products for providing electronic message services to multiple users by storing a single copy of a message at a central location and notifying recipients of the stored single copy. Claim 21 recites, for instance, in combination with all the elements of the claim, a method for organizing one or more replies to an electronic message. The method includes assigning a unique identifier to an electronic message and associating, using the unique identifier, one or more replies with the message. A single copy of the message is stored at a host system and it can be shared by a number of intended recipients. Finally, a single copy of one or more replies is stored at the host system and the single copy of the replies are enabled to be shared by a number of intended recipients.

Claim 35 is a system embodiment of a method similar to that of claim 21. Claim 45 is a computer program product embodiment of a method similar to that of claim 21.

Independent claims 21, 35, and 45 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Dean et al., U.S. Patent no. 5,914,957 (filed Dec. 19, 1996) (hereinafter Dean),

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

in view of Ansberry, U.S. Patent no. 5,887,170 (filed Feb. 13, 1995) (hereinafter Ansberry).<sup>2</sup> The Applicants respectfully traverse the rejections. A prima facie case of obviousness under 35 U.S.C. § 103(a) requires that the cited references must teach or suggest all a claim's limitations.<sup>3</sup> The Applicants submit, however, that the cited references fail, both separately and in combination, to teach or suggest each and every element of the invention as recited in the independent claims.

In specific reference to claim 21, the Examiner asserted that Dean taught or suggested the claim limitation "assigning a unique identifier to the electronic message."<sup>4</sup> It should be noted that Dean fails to teach or suggest assigning a unique identifier to an electronic message. Dean also fails to teach or suggest associating, using a unique identifier, one or more replies with an electronic message. Both the portion of Dean cited by the Examiner (as well as the entirety of Dean) teach assigning a unique identifier to a "servant node" within a communication network (but not, as asserted, assigning a unique identifier to a *message*). The portion of Dean cited by the Examiner reads, in relevant part:

"a plurality of servant nodes  
*each* receiving configuration enable signals,  
*each* receiving configuration messages,  
*each* being configured with a unique identifier corresponding to each of the  
servant nodes in response to a corresponding one of the configuration enable  
signals and a corresponding one of the configuration messages, and  
*each* providing a configuration enable signal when a corresponding one of the  
servant nodes is configured . . . ."<sup>5</sup>

The cited portion of Dean is admittedly difficult. However, it is clear that the antecedent of every "each" in the above-quoted section is the "servant nodes," not, as asserted, a message. Furthermore, the entire Dean written description makes it clear that unique identifiers are assigned to nodes, not to messages. For example, "each of the servant nodes being configured with the unique identifier,"<sup>6</sup> "[t]he master node and the identical servant nodes work together to

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<sup>2</sup> Office Communication p. 5 (Feb 2, 2007).

<sup>3</sup> MPEP § 2143; *see also In re Royka*, 490 F.2d 981 (CCPA 1974).

<sup>4</sup> Claim 1.

<sup>5</sup> Dean col. 1 l. 61 – col. 2 l. 1 (emphasis added).

<sup>6</sup> Dean col. 2 l. 15–16.

determine a unique identifier for each of the servant nodes,"<sup>7</sup> and "the unique identifier for each node"<sup>8</sup> are all phrases from Dean which make it clear that unique identifiers are assigned to servant nodes (i.e., hardware), not to messages. Nowhere does Dean teach that unique identifiers are assigned to electronic messages in a messaging system.

Similarly, the Examiner asserted that the same cited portion of Dean taught the claim element "associating, using the unique identifier, the one or more replies with the electronic message"<sup>9</sup> This assertion was supported by relying on the word "response" which occurs in the above-quoted portion of Dean.<sup>10</sup> Importantly, it should be noted that the word "response" occurs exactly once within the entirety of the Dean description.<sup>11</sup> In Dean, "response" is not used to indicate – as "reply" does in the present invention – a message in a messaging system having been sent as a reply to another message. In the context of Dean, "response" is not a reply to a message but, in contrast, characterizes the causal relationship between configuring a servant node with a unique identifier and a "configuration enable signal and a corresponding . . . configuration message[.]".<sup>12</sup> That is, in Dean, a *servant node* is "configured with a unique identifier . . . *in response to* a corresponding one of the configuration enable signals and a corresponding one of the configuration messages."<sup>13</sup> In view of this, the word "response" within Dean cannot be correctly held to be the "reply" of the present invention. Further, since Dean discloses no reply message as does present claims, Dean does not teach or suggest using a unique identifier to associate a reply with an electronic message.

Continuing with the section 103(a) analysis, the Examiner acknowledged that Dean does not teach or suggest the claim elements:

"storing a single copy of the electronic message at a host system, the single copy of the electronic message being enabled to be shared by a plurality of intended recipients; and  
storing single copy of the one or more replies at the host system, the single copy of the one or more replies being enabled to be shared by the plurality of intended

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<sup>7</sup> Dean col. 3 l. 61–63.

<sup>8</sup> Dean col. 10 l. 34.

<sup>9</sup> Claim 1.

<sup>10</sup> Office Comm. p. 5.

<sup>11</sup> *See, generally*, Dean (n.b., "response" also appears in the claims of Dean).

<sup>12</sup> Dean col. 1 l. 63–66.

<sup>13</sup> Dean col. 1 l. 63–66.

recipients such that the one or more replies and the associated electronic message are enabled to be accessed by each of the plurality of intended recipients, and such that the single copy of the electronic message and the single copy of the one or more replies are shared by the plurality of intended recipients.”<sup>14</sup>

The Examiner asserted that these elements of claim 21 were taught by Ansberry, citing to Ansberry col. 2 l. 29 and col. 4 l. 5–8.<sup>15</sup> The cited portions of Ansberry read:

“In this disclosure a system and method are described for the dynamic sharing of user interfaces which are coupled to applications, and a window management system provides concurrent event handling for multiple applications.”<sup>16</sup> and

“A conference is the shared use of an application by multiple users each having the same view of the program. The conference exists in an X Windows environment with multiple X servers.”<sup>17</sup>

By comparing the cited portion of Ansberry with the above-quoted elements of the claim, it is clear that “sharing of user interfaces, which are coupled to applications” and a “conference” being “the shared use of an application by multiple users each having the same view of the program” does not teach or suggest storing a single copy of an electronic message at a host system or storing a single copy of replies at a host system or the other particularities as recited in the elements of the claim (as particularly recited in the claim and quoted above).

Because, as discussed above, the cited references fail, both separately and in combination, to teach or suggest each and every element of the claim as recited, it would be improper to base a rejection of claim 21 under 35 U.S.C. § 103(a) on Dean and Ansberry. As claims 35 and 45 recite a system and a computer program product embodiment, respectively, of a method similar to that of claim 21, rejections of those claims under 35 U.S.C. § 103(a) in view of Dean and Ansberry would also be improper. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejections of the independent claims 21, 35, and 45. The Applicants submit that each of the independent claims as recited is in condition for allowance and respectfully request the Examiner to issue their allowance.

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<sup>14</sup> Office Comm. p. 5.

<sup>15</sup> Office Comm. p. 6.

<sup>16</sup> Ansberry col. 2 l. 26–30.

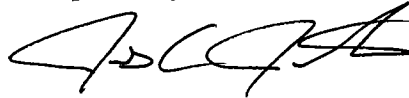
<sup>17</sup> Ansberry col. 4 l. 5–8.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 2<sup>nd</sup> day of May, 2007.

Respectfully submitted,



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